

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN LANCASTER, and)
SABRA LEONBERGER,)
)
Plaintiffs,)
)
v.) **Case No. 07-CV-0726-MJR**
)
ASTELLAS PHARMA, INC.,)
ASTELLAS PHARMA U.S., INC.,)
ASTELLAS U.S., LLC, and)
ASTELLAS PHARMA)
MANUFACTURING, INC.,)
)
Defendants.)

ORDER

REAGAN, District Judge:

On October 10, 2007, Plaintiffs John Lancaster and Sabra Leonberger brought a products liability action in the Circuit Court of St. Clair County, Illinois against Astellas Pharma, Inc., Astellas Pharma U.S., Inc., Astellas U.S., LLC, and Astellas Pharma Manufacturing, Inc. On October 17, Astellas Pharma U.S., Inc. removed the case to federal court. On October 29, plaintiffs filed a notice of voluntary dismissal (Doc. 11) as to three of the defendants Astellas Pharma, Inc., Astellas U.S., LLC, and Astellas Pharma Manufacturing, Inc. None of these three defendants has answered or filed a motion for summary judgment.

Federal Rule of Civil Procedure 41(a)(1)(i) provides that a plaintiff may dismiss an action without order of the Court “by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.”

Accordingly, pursuant to Rule 41, the Court hereby **DISMISSES** the claims against Astellas Pharma, Inc., Astellas U.S., LLC, and Astellas Pharma Manufacturing, Inc. **without prejudice.**

IT IS SO ORDERED.

DATED this 31st day of October 2007.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge